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15	Attorneys for Non-Parties Broadcom Inc. and Bi	roaacom Corp.
16	LIMITED STATES	DISTRICT COURT
17	UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION	
18	SAN JOSE	DIVISION
19	CALIFORNIA INSTITUTE OF	Case No. 5:22-MC-80318
20	TECHNOLOGY,	E.D. Tex. Case No. 2:21-CV-0446-JRG
21	Plaintiff,	DECLARATION OF AMANDA SWAIM
22	V.	IN SUPPORT OF CALTECH'S ADMINISTRATIVE MOTION TO FILE
23	SAMSUNG ELECTRONICS CO., LTD. and	UNDER SEAL PURSUANT TO L.R. 79-5
24	SAMSUNG ELECTRONICS AMERICA, INC.,	
25	Defendants.	
26		1
27		
28	DECLARATION IN SUPPORT OF CALTECH'S	CASE NO. 5:22-MC-80318

ADMINISTRATIVE MOTION TO FILE UNDER SEAL

I, Amanda Swaim, declare:

them.

1. I am Senior IP Counsel at Broadcom Inc. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to

- 2. Plaintiff California Institute of Technology's ("Caltech") Motion seeks to file under seal information filed under seal by non-parties Broadcom Inc. and Broadcom Corp. (collectively, "Broadcom") and designated as "Confidential Attorneys' Eyes Only" or "Highly Confidential Attorneys' Eyes Only" pursuant to the Protective Order in *California Institute of Technology v. Broadcom Ltd.*, et al., No. 2:16-cv-03714 (C.D. Cal.), Dkt. 101.
- 3. As required by Local Rule 79-5(c)(2) and 79-5(f)(3), I submit this Declaration in support of Caltech's Motion to Seal. I confirm that the document identified below, based on current information and belief, contains information that is confidential and sealable.
 - 4. The materials sought to be filed under seal were identified by Caltech as follows:

DOCUMENT	PORTIONS IDENTIFIED BY CALTECH FOR SEALING
Caltech's Reply in support of its	Page 4, Lines 20, 24, 25
Motion to Compel	Page 5, Lines 6-7, 10

- 5. I understand and have been informed that a party seeking to seal "materials attached to a discovery motion unrelated to the merits of a case" must show that "good cause" exists to seal the materials. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016). I further understand that "[a] party asserting good cause bears the burden, for each particular document it seeks to protect, of showing that specific prejudice or harm will result if no protective order is granted." *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003).
- 6. "Good cause" exists for sealing of the identified materials, because disclosure of that information would harm Broadcom's competitive and financial position, and because the disclosure of these material would not aid in the public's understanding of the judicial process.

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7. The portions of Caltech's Reply that it seeks to seal contain confidential information relating to Broadcom's product model names and customers. Broadcom seeks to seal its internal product names and the specific components within those specific products because they are confidential and the disclosure of which would harm Broadcom's financial and competitive interests. Broadcom also keeps information regarding its customers confidential as the disclosure of this information would harm Broadcom's financial and competitive interests. The portions of the reply also contain information from documents that Broadcom marked "Confidential – Attorneys' Eyes Only."

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed January 11, 2023.

Amanda Luain

CERTIFICATE OF SERVICE

service are being served this 11th day of January, 2023, with a copy of this document via the

Court's CM/ECF system per Local Rule CV-5(a)(3).

I hereby certify that counsel of record who are deemed to have consented to electronic

By:

/s/ Taylor Gooch

Taylor Gooch

DECLARATION IN SUPPORT OF CALTECH'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL

CASE No. 5:22-MC-80318